

**IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD**

HON'BLE Mr. JUSTICE R. SUBHASH REDDY

Writ Petition No.5090 of 2006

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Dated: September 24, 2007
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Between:

Kovvuri Trinadha Reddy, S/o. Late Sri Subba Reddy,
Hindu, Age: 54 years, R/o.B.B. Puram, Biccavolu
Mandal, East Godavari District.

... Petitioner

And

Eastern Power Distribution Corpn. of A.P. Ltd.,
Rajahmundry, East Godavari District, rep. by its
Divisional Engineer (Assessment), and another.

... Respondents

Order:

I have heard learned counsel for the petitioner and Mr. V. Ajay Kumar, learned Standing Counsel appearing on behalf of the respondents.

2. Petitioner questions the notice dated 18-02-2006, issued by the second respondent, Assistant Divisional Engineer, Operation, Eastern Power Distribution Co. of A.P. Ltd., Anaparthi, in

Lr.No.ADE/O/APT/F.DOC/S.Er/D.No:1034/06. Petitioner is a consumer of electric power, vide service connection bearing No.104/Cat-I, from the respondent-company. The service connection was inspected on

08-02-2006 at about 10.50 hours by the Assistant Divisional Engineer/DPE-I/Rajahmundry and during inspection it was found that the meter was meddled by the petitioner. The value of energy pilfered was estimated at Rs.65,649/- and while disconnecting power supply, he was directed to pay an amount of Rs.32,825/- for its restoration, plus supervision charges of Rs.50/-.

3. Though no counter affidavit has been filed, learned Standing Counsel appearing for the respondents submits that final assessment proceedings are still pending before the first respondent.

4. The case of the petitioner is that allegations leveled against him are false and fabricated. However, the same is a matter, which has to go into by the competent authority as contemplated under Section 153 of the Electricity Act, 2003 ('the Act' for brevity). If petitioner is of the view that he has not resorted to any pilferage of power, it is for him to prove the same in the enquiry to be conducted by the competent authority. However, the same cannot be gone into by this court, at this stage. As much as it is stated that final assessment proceedings are pending before the first respondent, I dispose of the writ petition directing the first respondent, Divisional Engineer (Assessment) Rajahmundry, to pass final orders within a period of three months from the date of receipt of this order. I further direct the respondents to restore power supply to the petitioner on condition of his depositing one-fourth of the provisionally assessed amount, apart from reconnection charges and other charges as per the terms and

conditions. It is clarified that payment of the said amount by the petitioner will be subject to final orders to be passed by the first respondent. No order as to costs.

JUSTICE R. SUBHASH REDDY.

September 24, 2007

MRR